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Jack the Ripper Lives on... The Need To Recognize Prostitutes as Domestic Violence Victims

LUISA JOHNSON¹

INTRODUCTION

All across the world, prostitution is a reality. Many organizations have looked at what to do about the problem of prostitution, but they have done so in two conflicted ways: they have either attempted to address the needs of prostitutes to protect them, or they have attempted to make prostitution illegal in countries where it was legal.² Some may argue both goals can be accomplished at the same time; however, this is not possible. To begin to understand the violence prostitutes face, an education in the dynamics of *prostitution* is needed. In addition, the dynamics of *domestic violence* must also be understood. Figuratively and literally, like the work of the famous serial killer of prostitutes, Jack the Ripper, domestic violence against prostitutes is a continual, severe, and unfortunately, an underground problem.

This paper seeks to compare the similarities between intimate partner violence and violence experienced by prostitutes from their pimps and customers. In doing so, it should become clear that a third approach to looking at, treating, and protecting prostitutes is needed. This approach would be to treat prostitutes who have suffered from domestic violence in the same manner as all other

¹ Luisa Johnson is a J.D. Candidate, Class of 2014, at the SUNY Buffalo Law School. I would like to thank my family and loved ones for their continuing support, Professor Sue Tomkins for providing the inspiration and background for this article, and the members of the Buffalo Journal of Gender, Law, and Social Policy for their hard work.

² See *infra* Part IV.

domestic violence victims. Such an adoption is crucial. Prostitutes suffer from the same effects—including depression, physical assault, posttraumatic stress disorder, and fear—as many other of domestic violence victims do, and need the same resources available to them. Until prostitution is looked at in this light, no remedy can adequately protect the women involved, and such women will not be provided with the resources needed to leave the life of prostitution.

This paper will focus on the social, legal, and policy issues of prostitution, domestic violence, and, in particular, domestic violence against prostitutes in the United States. Section I will describe prostitution in general to allow for a later analysis of these basic facts in regards to domestic violence. Next, Section II will introduce the current condition of domestic violence in the U.S., which will similarly allow for a comparative analysis in Section III. Specifically, Section III will compare particular types of sexual violence faced by prostitutes, such as from pimps and customers, to the violence other victims face in intimate partner relationships. The purpose of Section III is to highlight the reality that prostitutes do often suffer certain abuses that are very similar to domestic violence and should be recognized as such. Finally, Section IV will present a series of legal and social policy techniques that have been used to stop violence against prostitutes, along with important critiques and proposals for new solutions. One such solution is to remove the title “prostitute” as it relates to women who are also victims of domestic violence. Although the common perception of domestic violence victims and prostitutes operate different places in society, the abuse they experience is very similar, if not the same. Until lawmakers, advocates, and the general public stop viewing prostitutes in a different light than other women who are abused, prostitutes will continue to suffer from deadly abuse at the hands of their controllers. All domestic violence victims need to be treated in the same manner,

regardless of whether they are exposed to domestic violence during prostitution or during an intimate relationship.

I. PROSTITUTION: THE BASIC FACTS

To truly understand the relationship between prostitution and domestic violence, prostitution must be understood at its most basic level. Many cultures around the world have created a public indifference toward prostitution.³ On the other end of this spectrum are those people and societies who promote prostitution as a “job rather than as human rights abuse.”⁴ Others don’t even want to look at or address the issue of prostitution,⁵ and many do not understand that women do not freely choose to participate in prostitution.⁶ Many women wish to escape prostitution, but have no other economic opportunities.⁷ Until this concept is understood, women involved in prostitution will not receive the economic support they deserve and need.⁸ For example, homeless women frequently find themselves involved in prostitution in hopes of getting off the streets.⁹ However, and unfortunately, “[m]ost teenage prostitutes are involved in *street prostitution*, which is estimated to be ten times more dangerous than working from houses.”¹⁰

Again, because most people choose to ignore prostitution, the basic facts must be reinforced. To start, prostitution is illegal in the United States.¹¹ Also, it is predominately

³ See Melissa Farley, *Prostitution is Sexual Violence*, PSYCHIATRIC TIMES, Oct. 1, 2004, available at <http://www.psychiatrictimes.com/sexual-offenses/content/article/10168/48311> [hereinafter *Prostitution is Sexual Violence*].

⁴ *Id.*

⁵ *See id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *See id.*

¹⁰ *Id.* (emphasis added).

¹¹ Michael Larkin, *Domestic Violence Conference Focuses on Prostitution*, INSIDE FORDHAM, http://www.fordham.edu/student_affairs/inside_ford-

females who are subjugated to prostitution.¹² Simply put, “prostitution is the exchange of sexual acts, usually for money, accommodation, or drugs.”¹³ “Up to 75% of women involved in prostitution began when they were under 18 years of age.”¹⁴ The majority of women who participate in prostitution do so out of financial need.¹⁵ One study conducted in 1997 found that “92% of the prostitutes surveyed wanted out of the sex industry but lacked the financial means to support themselves.”¹⁶ Women are also driven into prostitution because of the elimination of social support programs and healthcare benefits for the poor.¹⁷ Many see prostitution as a final means of economic survival.¹⁸

Prostitution has also been described as “paid rape.”¹⁹ Force and coercion play a major role in how women get involved in prostitution.²⁰ Prostitutes generally have a higher than average history of childhood sexual and physical abuse.²¹ “The intersection of abusive experiences within the family, running away, a lack of viable

ham/inside_fordham_arch-i/march_2004/news/domestic_violence_co_16922.asp (last visited Jan. 9, 2013).

¹² Melissa Farley, *Prostitution: Factsheet on Human Rights Violations, PROSTITUTION RESEARCH & EDUCATION*, <http://www.prostitutionresearch.com/factsheet.html> (last visited Feb. 3, 2013) (citing LINDA FAIRSTEIN, *SEXUAL VIOLENCE: OUR WAR AGAINST RAPE* (William Morrow 1993)) [hereinafter *Prostitution: Factsheet on Human Rights Violations*].

¹³ Against Violence & Abuse, INDEPENDENT DOMESTIC VIOLENCE ADVOCATES: INFORMATION BRIEFING DECEMBER 2010 PROSTITUTION AND DOMESTIC VIOLENCE 1 (2010), available at, <http://www.avaproject.org/uk/media/62312/idva%20policy520briefing%20december.pdf> [hereinafter INDEPENDENT DOMESTIC VIOLENCE].

¹⁴ *Id.* at 2.

¹⁵ Larkin, *supra* note 11.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Prostitution is Sexual Violence, supra* note 3.

¹⁹ *Id.*

²⁰ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 1.

²¹ Kendra Nixon et al., *The Everyday Occurrence: Violence in the Lives of Girls Exploited Through Prostitution*, 8 VIOLENCE AGAINST WOMEN 1016, 1017 (2002), available at <http://vaw.sagepub.com/content/8/9/1016>.

alternatives, and the failure[s] of the child welfare system cumulatively create a situation that sets the stage for children [to eventually] becom[e] involved in prostitution.”²² Looking at prostitution simply as an avenue for sex hides the fact that in a majority of situations prostitution results in sexual violence.²³ This characterization as “just sex” allows activists who are against domestic violence to turn their backs on prostitutes and to ignore their struggles, instead of becoming allies in the fight against all sexual violence and abusive relationships.²⁴

Prostitutes are frequently discriminated against and targeted by police, their pimps, and customers, leaving them especially vulnerable to coercion and violence. “As recently as 1991, police in a Southern California community closed all rape reports made by prostitutes and addicts, placing them in a file stamped ‘NHI.’”²⁵ “The letters stand for ‘No Human Involved.’”²⁶ Prostitutes are also targeted as criminals rather than victims by law enforcement agencies.²⁷ This allows pimps to rape and kidnap women and to force them into prostitution, while escaping accountability for these crimes because many prostitutes do not trust going to the police.²⁸ Prostitutes have also been known to be physically and sexually assaulted by police officers.²⁹ Because of this, many prostitutes do not seek help from police because they fear such assaults, being arrested, or facing criminal charges.³⁰

Prostitutes also reported being groped and having things thrown at them by members of the public as well as being

²² *Id.* at 1018.

²³ *Prostitution is Sexual Violence*, *supra* note 3.

²⁴ *See id.*

²⁵ *Prostitution: Factsheet on Human Rights Violations*, *supra* note 12.

²⁶ *Id.*

²⁷ Nixon et al., *supra* note 21, at 1030.

²⁸ *See id.*

²⁹ *Id.*

³⁰ *Id.*

called derogatory names.³¹ This fear of negative judgment by the public discourages prostitutes from seeking social services that may be available to them.³²

It is also not uncommon for prostitutes to suffer violence from their customers. Prostitutes face a range of hazards on the job, and many have been victims of incest, sexual harassment, verbal abuse, stalking, rape, battery, and sexual torture prior to, and during their time as prostitutes.³³ Rape and physical assaults are commonplace in the life of a prostitute.³⁴ In a Canadian study of forty-seven prostitutes conducted in 2000, more than half of the women reported being physically assaulted by customers.³⁵ These women reported "being stabbed or cut, raped, gang raped, raped at gunpoint, forced to engage in degrading sexual acts, choked/strangled, beaten, kidnapped, stalked, held at gun, tied up, tortured, beaten with objects . . . and run over."³⁶ These prostitutes also reported being robbed and stranded by customers.³⁷ In addition, homicide is a frequent cause of death for prostitutes.³⁸

Below is a tragic description of one prostitute's experience. Her experience is not unique.

In strip club prostitution, she was sexually harassed and assaulted. Stripping required her to smilingly accommodate customers' verbal abuse. Customers grabbed and pinched her legs, arms, breasts, buttocks and crotch, sometimes resulting in bruises and scratches. Customers squeezed her breasts until she was in severe pain, and they humiliated her by ejaculating on her face. Customers and pimps physically brutalized her. She was severely bruised from beatings and frequently had black eyes. Pimps pulled her hair as

³¹ *Id.* at 1031.

³² *Id.* at 1031-32.

³³ *Prostitution is Sexual Violence*, *supra* note 3.

³⁴ *Id.*

³⁵ Nixon et al., *supra* note 21, at 1027.

³⁶ *Id.* at 1027-28.

³⁷ *Id.* at 1028.

³⁸ *Id.*

a means of control and torture. She was repeatedly beaten on the head with closed fists, sometimes resulting in unconsciousness. From these beatings, her eardrum was damaged, and her jaw was dislocated and remains so many years later. She was cut with knives. She was burned with cigarettes by customers who smoked while raping her. She was gang-raped and she was also raped individually by at least 20 men at different times in her life.³⁹

Although mental health providers and other medical professionals are beginning to recognize the violence prostitutes face in their line of work, little recognition is given to the mental coercion and physical control that is used to control prostitutes.⁴⁰ For example, “pimps and customers use methods of coercion and control like those of other batterers: minimization and denial of physical violence, economic exploitation, social isolation, verbal abuse, threats and intimidation, physical violence, sexual assault, and captivity.”⁴¹ The use of systematic violence and brainwashing reinforces a woman’s worthlessness except as a prostitute.⁴² Women are given drugs and alcohol to entice them into prostitution, and then the same drugs are used to pacify women once they have become prostitutes.⁴³ Many prostitutes abuse drugs and alcohol as a coping mechanism for the trauma they suffer from.⁴⁴

While attention has been paid to sexually transmitted diseases (STDs) prostitutes are at risk of contracting, attention also needs to be given to other health issues such as: depression, threat of suicide, mood disorders, anxiety disorders, dissociative disorders, and chemical dependence.⁴⁵ For example, posttraumatic stress disorder

³⁹ *Prostitution is Sexual Violence*, *supra* note 3.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 5.

⁴⁴ *Id.*

⁴⁵ *Prostitution is Sexual Violence*, *supra* note 3.

(PTSD) is commonly found among prostitutes.⁴⁶ In addition, many prostitutes suffer from other health related issues including HIV/AIDS, Hepatitis C, addiction, and violent injuries.⁴⁷

A series of barriers prevent women from leaving prostitution, including substance use, homelessness, fear of retaliation, no other sources of income, and criminal convictions.⁴⁸ Immigration status can also prevent women from leaving prostitution.⁴⁹ Immigrants who have been forced or trafficked into prostitution may not speak English, may lack knowledge of where to seek resources, may be threatened with deportation by their abuser, and/or may not trust law enforcement based on her experiences in her home country.⁵⁰

II. DOMESTIC VIOLENCE: THE BASIC FACTS

In addition to understanding prostitution, domestic violence must also be understood at its most basic level. In the following discussion, the terms “domestic violence victim” and “victim of intimate partner violence” will be used. This distinction is used to make it clear that not all victims of domestic violence are in a traditional intimate partner relationship. For example, prostitutes who are not necessarily in long term committed relationships with their pimps and customers are still victims of domestic violence and should be treated as such. This section will focus on the violence women face from their intimate partners, or what is traditionally defined as domestic violence.⁵¹

⁴⁶ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 5.

⁴⁷ Nixon et al., *supra* note 21, at 1033.

⁴⁸ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 1.

⁴⁹ *Id.* at 5.

⁵⁰ *Id.*

⁵¹ See generally ELIZABETH M. SCHNEIDER ET AL., DOMESTIC VIOLENCE AND THE LAW: THEORY AND PRACTICE 7, 18 (2d ed. 2008) (Most people only think of the physical aspects of domestic violence and State legislatures have primarily been concerned with treating the issue of “wife beating” assaults in regards to domestic violence).

Until recent activism, victims of domestic violence were hidden, just as victims of prostitution are similarly hidden.⁵² When most people think of domestic violence, physical abuse by an intimate partner type-situation is typically brought to mind.⁵³ While this is correct, domestic violence is present in many other situations as well, and all the dynamics of domestic violence are not always obvious.⁵⁴ Women are predominately the victims of domestic violence.⁵⁵ Women who suffer from sexual abuse or physical abuse as children are more likely to suffer from abuse as adults.⁵⁶

Domestic violence encompasses more than just physical abuse.⁵⁷ “[A]busers commonly combine physical abuse with psychological, financial, or other forms of abuse such as [isolating]” their victims from friends and family in order to maintain a power imbalance.⁵⁸ In an average year within the United States, “two million women are victims of severe assaults by their male partners.”⁵⁹ “One-fifth to one-third of all women will be physically abused by a partner or ex-partner during their lifetime.”⁶⁰ This statistic does not account for the women who will suffer from the many other forms of domestic violence that do not involve physical abuse.⁶¹ A common reason why women do not leave their abusive partners or end up returning to their abuser is because they lack financial resources.⁶²

⁵² See *id.* at 18.

⁵³ See generally *id.* at 7, 18 (Most people only think of the physical aspects of domestic violence and State legislatures have primarily been concerned with treating the issue of “wife beating” assaults in regards to domestic violence).

⁵⁴ *Id.* at 7.

⁵⁵ *Id.* at 11.

⁵⁶ *Id.* at 63.

⁵⁷ *Id.* at 11.

⁵⁸ *Id.* at 11, 39.

⁵⁹ *Id.* at 9.

⁶⁰ *Id.*

⁶¹ Other forms of abuse include financial abuse or emotional abuse. See *id.*

⁶² See *id.* (“Many abused women who find temporary refuge in shelters return to their husbands, in large part because they have no other source of income.”).

Resources allocated to domestic violence victims specifically focus on safety and giving battered women autonomy.⁶³ In 1994, the Violence Against Women Act was passed.⁶⁴ This Act was the first of its kind to authorize the "expenditure of federal funds to support shelters" in addition to providing various protections to victims of domestic violence.⁶⁵ As advocates continue to learn about domestic violence and financial support increases, the resources available to domestic violence victims will continue to grow.⁶⁶

A series of warnings signs frequently indicate an abusive relationship may develop.⁶⁷ Such warning signs include isolation, possession, and jealousy by their partner.⁶⁸ Women should also act cautiously with men who appear prone to anger and those men who are unwilling to talk about their past.⁶⁹ Men who are prone to domestic violence may also show an early interest in their victim's activities, but then gradually become suspicious and distrusting of the victim.⁷⁰ "Women [usually] react[] to initial assaults with shock and disbelief."⁷¹ Thus, it is very common for an abused woman to want to remain in an abusive relationship.⁷² However, this does not mean that victims do not want the violence to end.⁷³ These women just want to give their relationships another chance.⁷⁴

Most domestic violence relationships follow a cyclical pattern. The "cycle of violence," first developed by Lenore

⁶³ *Id.* at 26-27.

⁶⁴ *Id.* at 22.

⁶⁵ *Id.*; 42 U.S.C.A. § 13981 (1994).

⁶⁶ SCHNEIDER ET AL., *supra* note 51, at 22.

⁶⁷ *See id.* at 44-47.

⁶⁸ *See id.*

⁶⁹ *See id.*

⁷⁰ *See id.* at 45.

⁷¹ *See id.* at 47.

⁷² *Id.* at 48

⁷³ *Id.*

⁷⁴ *Id.*

Walker in 1979 after she conducted a sixteen hundred person study, includes three phases: “the tension-building phase; the acute battering incident; and the tranquil, loving (or at least non-violent) phase.”⁷⁵ Constant physical violence is not needed for the victim to feel threatened.⁷⁶ The threat of an eruption of violence or other forms of violence can also be a constant threat to victims.⁷⁷ Further, “[t]he most dangerous time for a battered woman is when she separates from her partner.”⁷⁸ Many attacks are the result of retaliation for the woman leaving or attempting to leave.⁷⁹ The specific type of attack that occurs at the moment a women attempts to leave her abuser has been labeled as a “separation assault.”⁸⁰ A separation assault is an attempt to “gain, retain, or regain power” and generally takes the form of physical violence.⁸¹

III. PROSTITUTION AND DOMESTIC VIOLENCE

The violence prostitutes face at the hands of their pimps and customers is domestic violence and prostitutes should therefore receive the same services as other victims of domestic violence. The violence prostitutes face at the hands of police, the public, and drug dealers does not necessarily constitute domestic violence. A key tenant of domestic violence is that it comes from an intimate or sexual partner, so clearly it is very possible for prostitutes to have such violent experiences. As stated above, domestic violence does not necessarily require physical violence, but rather it requires a form of control. Pimps and customers are capable of and do exercise mental, financial, and physical control over prostitutes. As will be shown below,

⁷⁵ *Id.* at 56.

⁷⁶ *Id.* at 51.

⁷⁷ *Id.*

⁷⁸ *Id.* at 54.

⁷⁹ *Id.* at 54-55.

⁸⁰ *Id.* at 63.

⁸¹ *Id.*

by definition prostitutes do suffer abuse that should be categorized as domestic violence from their pimps, partners, and customers.

On the surface it appears that there are many differences between intimate partner violence and prostitution-related violence. The largest difference being the payment of money to prostitutes.⁸² However, the "payment of money does not erase all that we know about sexual harassment, rape, and [most importantly] domestic violence."⁸³ Another difference is that while victims of intimate partner violence are generally the victims of a single abuser, prostitutes on the other hand may be victims of multiple abusers, including their pimps, customers, and partners.⁸⁴ This violence against prostitutes is usually not seen as domestic violence because of the stigma associated with prostitution.⁸⁵ Also, recognizing that some of the violence prostitutes face is actually a form of domestic violence would increase the U.S.'s rates of domestic violence occurrences.⁸⁶ The task of ending domestic violence would become an even more daunting task than it already is.⁸⁷

Prostitutes and intimate partner violence victims share many similarities. Like victims of intimate partner violence, prostitutes attempt to leave their violent-prone situation (the practice of prostitution) at least once.⁸⁸ "Most of the attempts [by prostitutes] to exit occurred after a significant or traumatic event."⁸⁹ However, most prostitutes enter and remain in prostitution out of financial

⁸² *Sexual Violence is Prostitution*, *supra* note 3.

⁸³ *Id.*

⁸⁴ Nixon et al., *supra* note 21 at 1027-31.

⁸⁵ *See id.*

⁸⁶ Prostitutes are not currently included the statistics for domestic violence. *Id.*

⁸⁷ The rate of domestic violence is already extremely high without the inclusion of the sexual violence prostitutes' face. *Id.*

⁸⁸ *See* Nixon et al., *supra* note 21, at 1035.

⁸⁹ *Id.*

necessity.⁹⁰ Similarly, most victims of intimate partner violence cannot leave their abusers because of financial necessity.⁹¹

Prostitution frequently stems from a family history of domestic violence. Approximately eight-five percent of prostitutes suffered from physical abuse at the hands of family members, while forty-five percent were sexually abused by family members.⁹² At least seventy-five percent were also physically abused by someone outside their family prior to being involved in prostitution.⁹³ Also, women who become involved in prostitution are usually encouraged to do so by their abusive partner who will profit from the prostitution.⁹⁴ These abusive partners also prevent women from leaving prostitution.⁹⁵ Domestic violence is frequently a precursor for prostitution.⁹⁶ Addressing domestic violence will therefore help prevent women from entering into prostitution and from entering into violent intimate partner relationships.

Prostitutes are also faced with the same power and control relationships as women who are typically categorized as suffering from domestic violence. For example, over half of prostitutes report being the victim of domestic violence while they were involved in prostitution, particularly from their pimps.⁹⁷ Once women have entered prostitution, they are often afraid to access services⁹⁸ out of fear of being punished by their pimps.⁹⁹ Similar to abusers in intimate partner violence, pimps are constantly watching

⁹⁰ Larkin, *supra* note 11.

⁹¹ SCHNEIDER ET AL., *supra* note 51, at 60.

⁹² INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 1.

⁹³ *Id.*

⁹⁴ *Id.* at 2.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ See Nixon et al., *supra* note 21, at 1027.

⁹⁸ Services such as shelters, police protection, legal resources, and support groups.

⁹⁹ *Id.* at 1026.

and controlling their victims.¹⁰⁰ Abusers assault both prostitutes and intimate partners to ensure their obedience and to prevent them from leaving.¹⁰¹ Children who work as prostitutes often fear retaliation by pimps or customers because they have threatened to hurt them or their families if they leave or do not obey.¹⁰²

The same power and control wheel that is used in domestic violence trainings can be applied to prostitution.¹⁰³ Power and control wheels (see below) serve as a tool for advocates to help understand the experiences of domestic violence victims, to put the experiences of victims into context, and to allow the advocate to understand the links to the many types of abuse.¹⁰⁴ Power and control wheels are used "in professional trainings, in batterer treatment programs, in public education forums, and in a variety of other [educational contexts]."¹⁰⁵ The wheel is especially helpful in understanding the patterns of abuse that batterers use to maintain control over their victim.¹⁰⁶ The wheel shape helps people understand that batterers use a number of abusive techniques in combinations.¹⁰⁷ A woman rarely suffers from only one form of abuse because of this combination of techniques.¹⁰⁸ Advocates against domestic violence need to recognize and apply the power and control wheel to many of the abuses suffered by prostitutes from their controllers (pimps and customers) to better understand the similarities between the two.¹⁰⁹

Following this idea, the power and control wheel below on the top was designed specifically with prostitution in

¹⁰⁰ See *id.*

¹⁰¹ *Id.* at 1019; SCHNEIDER ET AL., *supra* note 51, at 5 and 63.

¹⁰² Nixon et al., *supra* note 21, at 1019.

¹⁰³ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 2-3.

¹⁰⁴ See SCHNEIDER ET AL., *supra* note 51, at 57.

¹⁰⁵ *Id.*

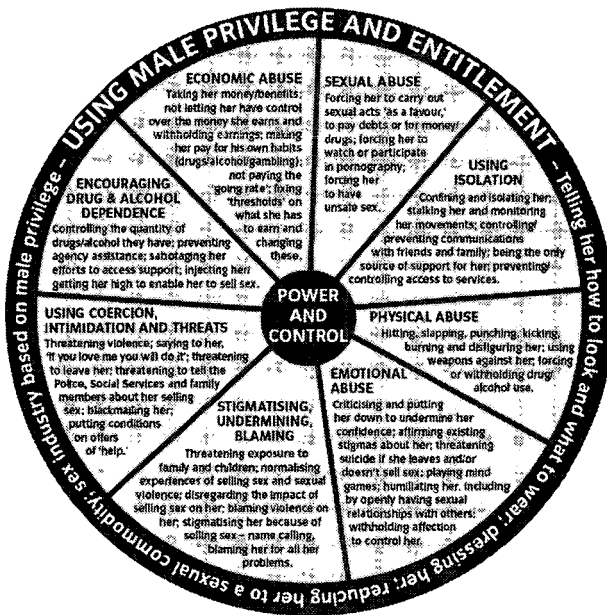
¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 58.

¹⁰⁸ *Id.*; see also chart below.

¹⁰⁹ See INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 3.

mind.¹¹⁰ The second power and control wheel was designed for all domestic violence victims.¹¹¹ The similarities are readily apparent. Both power and control wheels present the various methods of “domestic violence” in a wheel formation.¹¹² Although the types of abuse described in the power and control wheel on the top are specifically designed for the unique problems prostitutes face, the general forms of abuse are the same, including: economic abuse, isolation, emotional abuse, and intimidation.¹¹³

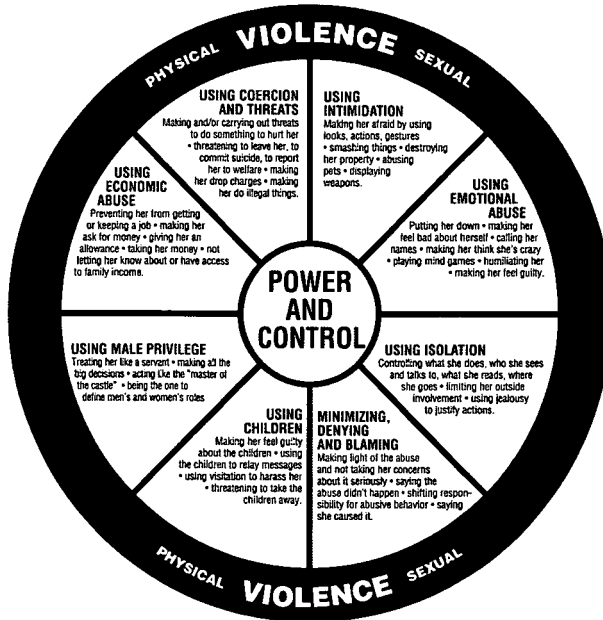


¹¹⁰ See *id.* at 2-3.

¹¹¹ See SCHNEIDER ET AL., *supra* note 51, at 58.

¹¹² See SCHNEIDER ET AL., *supra* note 51, at 58; INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 3.

¹¹³ See SCHNEIDER ET AL., *supra* note 51, at 58; INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 3.



Also, like prostitutes, victims of intimate partner violence similarly suffer from PTSD and other mental health illnesses due to exposure to repeated traumatic experiences.¹¹⁴ While victims of intimate partner violence are slowly being exposed to psychological resources in the form of professional therapy, these resources are rarely available to or sought out by prostitutes.¹¹⁵ “[U]nderstanding and subsequently addressing and treating the psychological harm associated with involvement in prostitution will have important effects on everything from psychological and physical health and well-being to occupational, social, and family functioning.”¹¹⁶ Whether the abuse these women face is in the home or on the streets,

¹¹⁴ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 5; See Hyunjung Choi et al., *Posttraumatic Stress Disorder (PTSD) and Disorders of Extreme Stress (DESNOS) Symptoms Following Prostitution and Childhood Abuse*, 15 VIOLENCE AGAINST WOMEN 933, 934 (2009), available at <http://vaw.sagepub.com/content/15/8/933> (last visited Feb. 3, 2013).

¹¹⁵ Choi et al., *supra* note 114, at 936.

¹¹⁶ *Id.*

the events they experience are followed by feelings of “fear, hopelessness, and [] horror” that need to be addressed to help them heal from the abuse they have suffered.¹¹⁷

IV. PREVENTING DOMESTIC VIOLENCE OF PROSTITUTES

A few specific solutions to help end domestic violence against prostitutes have been formed and tested.¹¹⁸ As will be discussed below, it has become obvious that these instituted methods are not the solution.¹¹⁹ New solutions must be developed in order to ensure domestic violence victims are treated in the same manner regardless of whether they are exposed to domestic violence during prostitution or during an intimate relationship.

One method of preventing violence in general against prostitutes that has been used is to legalize prostitution. The instances where legalization has been used are clear examples that this is not the answer.¹²⁰ Executive Director, Vednita Carter, of “Breaking Free,” addressed this specific idea in a letter she drafted:

It's a sad and pitiful thing that in the 21st century we are still debating on whether or not it is ok to buy and sell human beings . . . If we don't take some immediate action quickly to end this form of sexual slavery, other than just talk about it, it pains me to think about what the women and girls of tomorrow have to look forward to should legalization take place.¹²¹

¹¹⁷ See *id.* at 939-40.

¹¹⁸ See Julie Bindel, *Window Brothels Get the Red Light*, STANDPOINT, Oct. 2012, available at <http://standpointmag.co.uk/dispatches-october-12-window-brothels-get-the-red-light-julie-bindel-amsterdam-prostitution> (last visited Feb. 3, 2013); Max Waltman, “End Demand” Works, Evidence Shows, Sept. 30, 2012, available at http://www.prostitutionresearch.com/pdfs/Waltman_End-DemandWorks,EvidenceShows_Sept2012.pdf (last visited Feb. 3, 2013).

¹¹⁹ See generally Bindel, *supra* note 118. (legalizing prostitution has been shown to increase the violence prostitute face and increases the problem of human trafficking).

¹²⁰ See generally letter from Vednita Carter, Executive Director and Founder, Breaking Free, available at <http://www.breakingfree.net/files/breaking-free/files/ACLU%20summary%20Dec.2009.pdf>.

¹²¹ *Id.*

Amsterdam can be used as a case example of the legalization of prostitution.¹²² After twelve years of legalized prostitution, Amsterdam is finally admitting legalization has failed.¹²³ Even though prostitution is legal, young vulnerable women are still being forced into prostitution and are kept there by force and psychological coercion.¹²⁴ Just as if prostitution were illegal, “insecure, under-age girls [are singled out] in schools and coffee shops”¹²⁵ and are wooed with promises of “love, clothes, status, and excitement”¹²⁶ into the practice. This legalized system is filled with crime and violence.¹²⁷ The legalization of prostitution brought with it crime, bondage, and human trafficking.¹²⁸ “When these women cross over [the borders of the European Union], they find themselves sold into sex slavery to pimps or lover boys who enslave and house them, forcing them to pay ‘debts’ by working overtime as prostitutes.”¹²⁹ One woman who worked in the red-light area of Amsterdam for almost fifty years stated, “[l]egalization has never worked. It is [only] better for the pimps and the foreigners.”¹³⁰ She explained that organized criminals actually came into Amsterdam after legalization to enhance their business.¹³¹ Therefore, the Amsterdam example clearly shows legalization protects pimps, not prostitutes, and cannot be used as a method of preventing domestic violence on prostitutes.¹³²

¹²² See Bindel, *supra* note 118.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ Caroline Achieng Otieno, *The Pitfalls of Legalizing Prostitution in Amsterdam*, THE WIP, July 9, 2012, available at http://thewip.net/contributors/2012/07/the_pitfalls_of_legalizing_pro.html.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

Enlightened law making is another way to give proper recognition to, and combat domestic violence against prostitutes. For example, it seems that legally “[r]ecognizing that prostitution is a form of sex inequality related to gender-based violence” may be the only way to address the violence prostitutes suffer from.¹³³ One way to do this is to follow the Swedish approach.¹³⁴ In Sweden, the government criminalizes the customer, while decriminalizing the prostitute.¹³⁵ This approach “dramatically reduced prostitution and human trafficking.”¹³⁶ In 2011, Sweden amended its law to allow prostitutes to “claim damages directly from the purchasers for violating their equality and dignity.”¹³⁷ Prostitutes have not reported an increase in violence since the enactment of these laws, and some prostitutes say they have been empowered by the law.¹³⁸

Another way to recognize prostitution as a form of sex inequality related to gender-based violence is to disregard all connotations of prostitution, and treat prostitutes who have been the victims of domestic violence in the same manner as all victims of domestic violence. To do this, the services provided to victims of intimate partner violence and prostitutes should be conceptualized and applied in the same way.¹³⁹ While the specific focus of these programs would need to be specialized for each type of victim, the goal would be the same: the elimination of violence against women.¹⁴⁰ The culture of services for battered women of domestic violence and the history and lessons learned by service agencies can be used as a model for the services that

¹³³ Waltman, *supra* note 118.

¹³⁴ *See id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Nixon et al., *supra* note 21, at 1040.

¹⁴⁰ *Id.*

need to be provided to prostitutes.¹⁴¹ It is necessary to understand that leaving an abusive relationship is a difficult and lengthy process.¹⁴² It must also be remembered that the overlapping problems of substance abuse, emotional trauma, and physical abuse make prostitution a difficult cycle to break.¹⁴³ Because of this, both substance abuse and mental health need to be part of the screening process for any domestic violence victim.¹⁴⁴ Programs targeting both prostitutes and domestic violence victims could benefit from an exchange of ideas.¹⁴⁵ Providing support to children who have been victims of domestic violence could prevent them from potentially entering prostitution and the development of PTSD later in life.¹⁴⁶ Specific programs are needed for prostitutes similar to those currently being offered to other domestic violence victims, including housing, long-term counseling, and job training.¹⁴⁷

A variety of organizations have been designed to specifically help women involved in prostitution. One example of such a program is "SafeHouse" in San Francisco.¹⁴⁸ SafeHouse is a shelter where women can stay for up to eighteen months while they are struggling to leave prostitution.¹⁴⁹ SafeHouse was opened in 1998 and provides food, clothing, and housing.¹⁵⁰ The women also receive individual case management and access to a variety of

¹⁴¹ See *id.*

¹⁴² *Id.*

¹⁴³ INDEPENDENT DOMESTIC VIOLENCE, *supra* note 13, at 6.

¹⁴⁴ *Id.*

¹⁴⁵ Nixon et al., *supra* note 21, at 1040.

¹⁴⁶ *Id.*

¹⁴⁷ See *id.*

¹⁴⁸ *What We Do, Programs & Services*, SAFEHOUSE SAN FRANCISCO (Nov. 28, 2012), http://www.sfsafehouse.org/index.php?option=com_content&view=article&id=47&Itemid=50.

¹⁴⁹ *Id.*

¹⁵⁰ *Who We Are, Our History*, SAFEHOUSE SAN FRANCISCO, (Nov. 28, 2012), http://www.sfsafehouse.org/index.php?option=com_content&view=article&id=53&Itemid=34; *What We Do, Programs & Services*, SAFEHOUSE, *supra* note 148.

resources to help them “heal emotionally and physically, gain life skills, and save money, while building [their] self-esteem.”¹⁵¹ Vocational classes, therapy, substance abuse treatment programs, and financial guidance are just a few of the specific services offered by SafeHouse.¹⁵²

Another example of an organization specifically designed to address the needs of prostitutes and others involved in commercial sexual exploitation, is the “Standing Against Global Exploitation Project” (“SAGE Project”).¹⁵³ The SAGE Project is a nonprofit organization with the primary goal of ending human trafficking and sexual exploitation.¹⁵⁴ The SAGE Project tries to make a difference in the community by raising awareness about the social and legal issues of sexual exploitation.¹⁵⁵ The SAGE Project also provides treatment services for survivors.¹⁵⁶ The SAGE Project provides “case management, individual therapy, group counseling, educational support . . . and referral[s] to legal and housing services . . .”¹⁵⁷ Also, most of the staff members are survivors of prostitution and all are trained in trauma-focused care.¹⁵⁸

A third organization specifically designed to address the needs of prostitutes is “Veronica’s Voice,” which seeks to serve as “the voice for the sexually exploited.”¹⁵⁹ As part of its services, Veronica’s Voice runs a program titled “Offenders Accountability Re-education Program of John School,” or simply “John School.”¹⁶⁰ John School is a one-

¹⁵¹ *What We Do, Programs & Services*, SAFEHOUSE, *supra* note 148.

¹⁵² *Id.*

¹⁵³ *Home*, THE SAGE PROJECT (Nov. 28, 2012), <http://sagesf.org>.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *What We Do, Programs*, THE SAGE PROJECT (Nov. 28, 2012), http://sagesf.org/?page_id=107/programs.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Programs & Services, Restorative Justice*, VERONICA’S VOICE (Nov. 28, 2012), <http://www.veronicasvoice.org/restorativejustice.html>.

¹⁶⁰ *Id.*

day educational class for voluntary and court appointed participants.¹⁶¹ The school is run based on the idea that communities can reduce prostitution through education and restorative justice.¹⁶² The program's main goal is to reduce recidivism among first time offenders.¹⁶³ John School supposedly alleviates the demand on the legal system, "addresses" the criminal behavior, reduces repeat offenders, reduces incarceration, and generally improves the community.¹⁶⁴ Women who have been arrested for prostitution can also seek help through Veronica's Voice in lieu of going to jail.¹⁶⁵ If these women choose to participate in this program, they are "mandated to attend a one-day intensive workshop that addresses all issues relating to prostitution" and they must "report to [Veronica's Voice] for supervised probation and/or community service."¹⁶⁶ Veronica's Voice then makes recommendations to the court which often include needed interventions, the cost of which is paid for by Veronica's Voice.¹⁶⁷ Other women seeking to leave prostitution, but who are not under arrest, can also access the services offered by Veronica's Voice.¹⁶⁸ Services include: therapy, access and referrals to existing community resources and case management, and other referrals for "housing, mental health, drug treatment, career skills, and jobs."¹⁶⁹

The first two organizations described above, SafeHouse and the SAGE Project, have disregarded all connotations of the title "prostitute" and treat the women in the same

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Programs & Services, Other Programs*, VERONICA'S VOICE (Nov. 28, 2012), <http://www.veronicasvoice.org/otherprograms.html>.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *See id.*

¹⁶⁹ *Id.*

manner as all other kinds of victims of domestic violence.¹⁷⁰ They have also conceptualized the services offered to victims of intimate partner violence and prostitutes in the same manner.¹⁷¹ Unfortunately, these types of organizations are few and far between.¹⁷² If progress is to be made, more organizations need to follow the example of SafeHouse and the SAGE Project.

Unlike SafeHouse and the SAGE Project, Veronica's Voice has failed to disregard all connotations of the title "prostitute" and has failed to treat the women in the same manner as all other kinds of victims of domestic violence.¹⁷³ Prostitutes who work with Veronica's Voice are still punished for their conduct as prostitutes and stigmatized for the work they were most likely forced into.¹⁷⁴ While services are offered to these women, the services are usually offered to them because they have been arrested for prostitution, not because they are victims in need of extensive services.

CONCLUSION

The title "prostitute" needs to be removed in the context of domestic violence. Until lawmakers, advocates, and the public in general stop viewing prostitutes in a different light than other women who are abused by intimate partners, prostitutes will continue to suffer from deadly abuse. Legalizing prostitution is just another curtain to hide the abuse behind. Rather than legalizing prostitution and creating an even larger criminal organization, such as human trafficking and abuse, prostitutes need to be provided with the same services and legal protections, free

¹⁷⁰ *What We Do, Programs & Services*, SAFEHOUSE, *supra* note 148; *What We Do, Programs*, THE SAGE PROJECT, *supra* note 156.

¹⁷¹ *What We Do, Programs & Services*, SAFEHOUSE, *supra* note 148; *What We Do, Programs*, THE SAGE PROJECT, *supra* note 156.

¹⁷² *See Home*, THE SAGE PROJECT, *supra* note 153.

¹⁷³ *Programs & Services, Other Programs*, VERONICA'S VOICE, *supra* note 165.

¹⁷⁴ *Id.*

from discrimination, as other domestic violence victims. We cannot ignore this fact simply because thinking of the violence prostitutes face as within the realm of domestic violence would create an even more daunting corrective task for advocates, or because of the stigma associated with prostitutes is too ingrained in U.S. society. Prostitutes can be abused very much like every other woman who is being abused by an intimate partner. Every woman who suffers from violence at the hands of their intimate partner, whether it be a husband, boyfriend, pimp, or customer, needs access to social resources such as housing, counseling, job training, and legal services to help get away from the abuse.

Domestic violence advocates and lawmakers can use the knowledge and experience gained during the recent advocacy¹⁷⁵ to protect domestic violence victims, to help prostitutes receive the help they need to remove themselves from prostitution, and foster a healthy lifestyle away from abuse. While some programs have been designed to specifically address the needs of prostitutes in the same manner as other domestic violence victims, more needs to be done. Enacting laws focused solely on criminalizing the customers is a step in the right direction, but is not enough to protect prostitutes from domestic violence. Until more is done in the legal and public services arenas, prostitutes will continue to wrongfully suffer from domestic violence without hope of protection and justice.

¹⁷⁵ Such as the passage of Violence Against Women Act (VAWA) and the creation of shelters and other non-profit organizations specifically designed for domestic violence victims.